

# Regular Meeting

<b>Agenda Item #</b>	
<b>Meeting Date</b>	7/9/2004
<b>Prepared By</b>	Lonni Moffet Communications Manager
<b>Approved By</b>	Richard M. Finn, City Mgr.

<b>Discussion Item</b>	MCImetro Access Transmission Services LLC, (formerly MFS) - Renewal of Interim Agreement
<b>Background</b>	The City has had an Interim Agreement with MFS since 1999 for use of the City's Rights-of-Way. This agreement was executed on an interim basis in lieu of a larger scope Telecommunications Ordinance.
<b>Policy</b>	This agreement renews the terms of the existing agreement while leaving open the option of enacting a telecommunications ordinance that overrides the agreement in the event that changes to, or clarifications of, federal law clear the way for the City to modify the way the City regulates telecommunication providers using the Rights-of-Way.
<b>Fiscal Impact</b>	Revenue: The interim agreement requires payment to the City a fee of \$2.00 per linear foot of cable in the right-of-way, an annual amount of \$19,604. An annual administrative fee of \$250 is also levied. Expenses: The Interim Agreement requires MFS to reimburse the City for up to \$5,000 in legal expenses related to negotiating these agreements.
<b>Attachments</b>	1. Interim Agreement with MCImetro Access. 2. Resolution 2004-___ Authorizing City Manager to Sign Interim Agreement with MCImetro Access Transmission Services LLC.
<b>Recommendation</b>	Authorize City Manager to sign Interim Agreement via attached resolution.
<b>Special Consideration</b>	At the June 14, 2004 Worksession, Council requested additional information regarding ROW compensation other jurisdictions receive. Staff are compiling this information and will present it before the June 21 meeting. Additionally, law firm Miller & Van Eaton have been requested to provide input on this topic and a memo is being prepared which should also be available before the end of the week.

Moved by:

RESOLUTION 2004-

WHEREAS, the City of Takoma Park ("City") has an Interim Agreement with fiber optic services company MCIMetro Access Transmission Services LLC (formerly known as "MFS") for use of the City Rights-of-Way; and

WHEREAS, this Interim Agreement was to be in effect until such time as the City enacted a Master Telecommunications Ordinance; and

WHEREAS, the City has not passed a Master Telecommunications Ordinance; and

WHEREAS, the City and MCIMetro Access have mutually agreed to a continuation of the Interim Agreement until such time as a Master Telecommunications Ordinance is implemented.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Takoma Park:

The City of Takoma Park shall enter into another Interim Agreement with MCIMetro Access. containing the substantive terms and conditions set forth in the form attached hereto. This Interim Agreement will be effective July 31, 2001 through July 31, 2007 or until such time as the City of Takoma Park enacts a telecommunications or rights-of-way ordinance unless extended by agreement of the parties.

The City Manager of the City of Takoma Park is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of the Resolution.

Adopted this 21st day of June, 2004.

ATTEST:

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Catherine E. Waters, CMC  
City Clerk